

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

TINDALL CORPORATION,

Plaintiff,

v.

NOTICE OF MOTION

BERKLEY ASSURANCE COMPANY,

Civil Action No. 1:22-cv-00745

Defendant.

NOTICE OF MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that Plaintiff, by its counsel, Bond, Schoeneck & King, PLLC and the Milone Law Firm PLLC, will move this Court before the Hon. John L. Sinatra, U.S.D.J. at the United State Courthouse, 2 Niagara Square, Buffalo, New York 14202, at a time and date set by the Court for an Order granting Plaintiff Tindall Corporation and Defendant Berkley Assurance Company a fourteen day extension of time, pursuant to Fed. R. Civ. P. 72 and the Local Rule of Civil Procedure 72, to file objections to the Report and Recommendation of the Hon. Michael J. Romer, U.S.M.J. filed and served on the parties February 21, 2025 which granted Defendant Berkley Assurance Company's motion for summary judgment and denied Plaintiff Tindall Corporation's motion for summary judgment.

PLEASE TAKE FURTHER NOTICE that the motion is based upon the accompanying Declaration of Richard D. Milone, Esq., submitted in support of the motion.

Dated: February 28, 2025

MILONE LAW FIRM PLLC

/s/Richard D. Milone, Esq.

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